

11-29-04

RCE + Ifu

PTO/SB/30 (08-00)
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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,
provides for continued examination of an utility or plant application
filed on or after June 8, 1995.
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/580,516
Filing Date	May 25, 2000
First Named Inventor	TRIPATHY, et al.
Group Art Unit	2141
Examiner Name	Melvin H. Pollack
Attorney Docket Number	064731.0201

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See *Changes to Application Examination and Provisional Application Practice*, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

a. ☒ Previously submitted

- i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on 08/23/04
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☐ Other _____

b. ☒ Enclosed

- i. ☒ Amendment/Reply – Request for Continued Examination – ___ pages
- ii. ☒ Baker Botts L.L.P. return receipt postcard (1 postcard)
- iii. ☐ Information Disclosure Statement (IDS) 12/01/2004 JADD01 00000012 09580516
- iv. ☒ Other Notification of Extension of Time 01 FC:1801 790.00 dp

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months.
(Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.117(i) required)
- b. ☐ Other _____

3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge any additional fees required or credit any overpayments, to Deposit Account No. 02-0384 of Baker Botts, L.L.P.
- i. RCE fee of \$790.00 required under 37 C.F.R. § 1.17(e)
- ii. Extension of time fee of \$110 (37 C.F.R. §§ 1.136 and 1.17)
- iii. Other _____
- b. ☒ Checks in the amount of \$790.00 and \$110.00 are enclosed to cover the RCE basic filing fee and the Extension of Time Fee.
- c. Payment by credit card (Form PTO-2038 enclosed)

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print / Type)	Levado Hamilton	Date	November 24, 2004
Signature			

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print / Type)	Luke K. Pedersen	Registration No. (Attorney/Agent)	45,003
Signature		Date	November 24, 2004

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: TRIPATHY, et al.
Serial No.: 09/580,516
Filing Date: May 25, 2000
Group Art Unit: 2141
Examiner: Melvin H. Pollack
Title: **ELEMENT MANAGEMENT SYSTEM WITH
AUTOMATIC REMOTE BACKUP OF NETWORK
ELEMENTS LOCAL STORAGE**

MAIL STOP RCE

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

EXPRESS MAIL CERTIFICATE NO.: EV 473953785 US	
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Name:	 Levado Hamilton
Date:	November 24, 2004

EV473953785US

REQUEST FOR CONTINUED EXAMINATION

In response to the Final Office Action mailed June 21, 2004 (the "Office Action") and the Advisory Action mailed October 26, 2004, (the "Advisory Action"), Applicants respectfully request continued examination of the present application in order that the Examiner may reconsider the rejection of the claims in view of the following amendments thereto and the comments as set forth below.